

REMARKS

Claims 1, 6-12 and 34 were pending in the application. Claims 1 and 11-12 have been amended and claim 34 has been canceled. Accordingly, claims 1 and 6-12 are pending in the application.

Claim 1 (and claims depending therefrom) has been amended to specify that the claimed method employs “a composition” and to remove reference to monomeric IgA linked to an agent by chemical conjugation or recombinant genetic fusion. Support for these amendments is available in the specification and claims as originally filed. Specifically, support can be found at least at page 2 (lines 27-33); page 3 (lines 12-18); page 3 (lines 33-37); page 8 (lines 14-20); page 13 (lines 8-14); page 14 (lines 26-30); and page 25 (lines 6-8).

No new matter has been added. The foregoing claim amendments and/or cancellations should in no way be construed as an acquiescence to any of the Examiner’s rejections and was performed solely in the interest of expediting prosecution of the application. Applicant reserves the right to pursue the claims as originally filed in this or a separate application(s).

Rejection of Claims 1, 6-12 and 34 Under 35 U.S.C. § 112, First Paragraph –***Written Description and New Matter***

Claims 1, 6-12 and 34 are rejected under 35 U.S.C. § 112, first paragraph, as introducing new matter and containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, has possession of the claimed invention. Specifically, the Examiner asserts that

while it is clear that the molecular complex ‘comprises’ monomeric IgA, the written description in the present application does not clearly set forth that the first portion is monomeric IgA linked via chemical conjugation or by recombinant genetic fusion to a second portion that binds the target antigen.

Applicant respectfully traverses this rejection for the reasons previously made of record. Notwithstanding, to expedite prosecution, claim 1 has been amended to no longer specify that “monomeric IgA and the agent are linked by chemical conjugation or recombinant genetic fusion,” thereby rendering this rejection moot.

Additionally, claim 34 is rejected because, according to the Examiner, “there is insufficient written support or antecedent basis for ‘non natural recombinant genetic fusion’ as it pertains to linking a portion of monomeric IgA to a second agent that binds a target cells or antigen.”

Applicant also respectfully traverses this rejection for the reasons previously made of record. However, to expedite prosecution, independent claim 34 has been canceled without prejudice, thereby rendering this rejection moot.

Objection to Claim 34 – Improper Dependent Form

Claim 34 is objected to as being of improper dependent form for failing to further limit the subject matter of a previous claim.

Applicant respectfully traverses this rejection. However, to expedite prosecution, claim 34 has been canceled without prejudice, thereby rendering this objection moot.

Objection to the Specification

The specification is objected to as failing to provide proper antecedent basis for the term “non-natural recombinant genetic fusion,” *i.e.*, as recited in claim 34

Applicant respectfully traverses this rejection for the reasons previously made of record. However, to expedite prosecution, Applicant has canceled claim 34 without prejudice, thereby rendering this objection moot.

Rejection of Claims 1 and 6-12 Under 35 U.S.C. § 112, First Paragraph – Enablement

Claims 1 and 6-12 are rejected under 35 U.S.C. § 112, first paragraph, as lacking enablement. Specifically, the Examiner is of the opinion that the specification

does not reasonably provide enablement for a method of eliminating a target cell or antigen from the circulatory system of a subject comprising administering monomeric IgA linked via chemical conjugation or recombinant genetic fusion to a second agent that binds a target cell or antigen as embraced by the claims.

Applicant respectfully traverses this rejection for the reasons previously made of record. Notwithstanding, to expedite prosecution, claim 1 has been amended to no longer specify that “monomeric IgA and the agent are linked by chemical conjugation or recombinant genetic fusion,” thereby rendering this rejection moot.

Rejection of Claim 34 Under 35 U.S.C. § 102(b) – Novelty

Claims 34 is rejected under 35 U.S.C. § 102(b) as being anticipated by van Spriël *et al.* (*Journal of Infectious Diseases*, 179(3):661-669, 3/3/1999).¹ The Examiner relies on van Spriël *et al.* as teaching a Fab fragment which “necessarily possesses the characteristics of the antigen-binding antibody fragment (i.e., portion) of monomeric IgA” and thus, anticipates claim 34.

Applicant respectfully traverses this rejection for the reasons previously made of record. However, as discussed above, claim 34 has been canceled without prejudice, thereby rendering this rejection moot.

Rejection of Claim 34 Under 35 U.S.C. § 102(b) – Novelty

Claims 34 is rejected under 35 U.S.C. § 102(b) as being anticipated by Deo *et al.* (U.S. Patent No.: 5,922,845).² The Examiner relies on Deo *et al.* as teaching antigen-binding antibody fragments which “necessarily possesses the characteristics of the antigen-binding antibody fragment (i.e., portion) of monomeric IgA” and thus, anticipates claim 34.

Applicant respectfully traverses this rejection. However, as described above, claim 34 has been canceled without prejudice, thereby rendering this rejection moot.

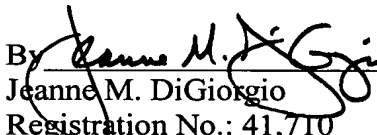
^{1 and 2} At paragraphs 10 and 11 of the present Office Action, the Examiner states that “[i]t is noted that this rejection is already of record, was withdrawn in view of amendments to the claims, and is not being reapplied in view of newly added claim 34” (emphasis added). For purposes of this response, Applicant assumes that the Examiner intended to state that the rejection “is now being reapplied...” (emphasis added).

CONCLUSION

In view of the above amendments and remarks set forth above, it is respectfully submitted that this application is in condition for allowance. If there are any remaining issues or the Examiner believes that a telephone conversation with Applicants' Attorney could be helpful in expediting prosecution of this application, the Examiner is invited to call the undersigned at (617) 227-7400.

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Respectfully submitted,

By 
Jeanne M. DiGiorgio
Registration No.: 41,710
LAHIVE & COCKFIELD, LLP
One Post Office Square
Boston, Massachusetts 02109-2127
(617) 227-7400
(617) 742-4214 (Fax)
Attorney/Agent For Applicant